



COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT

Tentative Notice of Action

Promoting the wise use of land  
Helping build great communities

MEETING DATE June 3, 2005 EFFECTIVE DATE June 17, 2005	CONTACT/PHONE Stephanie Fuhs (805) 781-5721	APPLICANT Chavez	FILE NO. DRC 2004-00044
SUBJECT Hearing to consider a request by Isidro Chavez for a Minor Use Permit to allow construction of a second residential unit consisting of 552 square feet of new living space and 732 square feet of new garage space. The proposed project is within the Residential Multi-Family land use category and is located at 1650 22 <sup>nd</sup> Street, in the community of Oceano. The site is in the San Luis Bay (Inland) planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC 2004-00044 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class Three Categorical Exemption was issued on April 22, 2005 (ED 04-490).			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Airport Review	ASSESSOR PARCEL NUMBER 062,091,023	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: 22.106.070 – Oceano Urban Area Standards <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: 22.10.060 – Exterior Lighting, 22.10.080 – Fencing and Screening, 22.10.090 – Height Measurement, 22.10.140 – Setbacks <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on June 17, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: One single family residence			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi-Family/Residences <i>South:</i> Residential Multi-Family/Residences <i>East:</i> Residential Multi-Family/Residences <i>West:</i> Residential Multi-Family/Residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Oceano/Halcyon Community Advisory Group, Public Works, Oceano Community Services District, ALUC	
TOPOGRAPHY: Level	VEGETATION: Grasses, ornamentals
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Oceano Community Services District	ACCEPTANCE DATE: April 13, 2005

## DISCUSSION

### PLANNING AREA STANDARDS:

#### 22.106.070 – Oceano Urban Area Standards:

*Oceano Specific Plan Compliance:* The Oceano Specific Plan sets forth design guidelines for new residential development in the Residential Multi-Family land use category. As proposed, the project complies with these guidelines.

*Curb, Gutter and Sidewalk Requirement:* As proposed and conditioned, the project will comply with this requirement.

*Airport Review Combining Designation:* The project has been reviewed and approved by the Airport Land Use Commission at their October 20, 2004 hearing. In addition, an avigation easement will be required prior to issuance of construction permits.

*Residential Multi-Family Standards:* Density limitation of 15 units per acre and maximum floor area of 48%. The following table summarizes compliance with these standards as well as Land Use Ordinance standards (see discussion below):

Standard	Allowable/Required	Proposed	Complies w/Standard?
Density	.168/ac.(2 units)	2 units	Yes
Maximum Floor Area	3,528 square feet	1,860 square feet	Yes
Minimum Open Area	4,043 square feet	4,758 square feet	Yes
Height	35 feet	18 feet	Yes
Setbacks	25' front, 10' rear, 5' sides	11'9" front, 10' rear, 10' sides	No, see discussion*
Parking	5 spaces	4 spaces	No, see discussion**

\*The front setback can be adjusted when at least 25 percent of the lots on the block are developed with the same frontage and are in the same land use category. This parcel qualifies for the adjustment because all of the parcels within this block are developed with front setbacks less than 25 feet. The 11 foot, 9 inch setback is acceptable as the new construction will not further encroach on the existing setback and the project will comply with the rear and side setback requirements as proposed.

**\*\*A portion of the applicant's property lies along a private road which provides access to some multi-family residential units to the rear of the project site. This portion of the site could provide the area necessary for an additional parking space, however, there is adequate on-street parking along the frontage of the parcel to provide the additional parking space needed. This parking configuration is preferable to blocking access along the private road to the existing residential units.**

**LAND USE ORDINANCE STANDARDS:**

**22.10.080 - Fencing and Screening:** Side and rear property lines shall have fencing at a minimum of six feet in height. As conditioned, the project will comply with this standard.

**22.10.090 - Height Limits:** The maximum height for residences in the multi-family land use category is 35 feet. As proposed, the residence is approximately 18 feet and meets this standard.

**22.10.040 - Setbacks:** Standard setbacks for this size lot are 25 feet front, 10 feet rear, and 5 feet on the sides. The existing front setback does not meet current standards, however an adjustment can be granted using the variable front setback standards (see discussion above).

**22.18.050 - Parking:** Four spaces are required for the two residences with one additional guest space for a total of five spaces. The project proposes four on-site spaces with an additional space provided on-street (see discussion above).

**COMMUNITY ADVISORY GROUP COMMENTS:** Approved at December 20, 2004 OHAC meeting.

**AGENCY REVIEW:**

Public Works – Provide curb, gutter and sidewalk, drainage plan

Oceano Community Services District – Require completion of requirements in the will-serve letter dated August 9, 2004

ALUC – Project found consistent with ALUP at the ALUC meeting of October 20, 2004

**LEGAL LOT STATUS:**

The one lot was legally created by a voluntary merger at a time when that was a legal method of creating lots.

Staff report prepared by Stephanie Fuhs  
and reviewed by Kami Griffin, Supervising Planner

## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for a Categorical Exemption (Class Three) pursuant to CEQA Guidelines Section 15303 because the project includes the construction of small limited new facilities and the project is located in an urbanized area which does not contain significant fish and wildlife habitat.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies/does not satisfy all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the second residential unit does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the second residential unit is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on 22<sup>nd</sup> Street, a local road constructed to a level able to handle any additional traffic associated with the project.
- G. Modification of parking standards required by Land Use Ordinance Section 22.18.050, is justified because the characteristics of the use or its immediate vicinity do not necessitate the number of spaces being provided on the project site, because the four spaces required for the residential units will be provided on-site and the guest parking space will be provided on-street in front of the site in order to eliminate the need to restrict access to existing residential units to the rear of the site. An alternative to the parking design standards will be adequate to accommodate the on-site all parking needs generated by the use and no traffic problems will result from the proposed modification of parking standards.

**EXHIBIT B - CONDITIONS OF APPROVAL  
Minor Use Permit DRC 2004-00044 (Chavez)**

**Approved Development**

1. This approval authorizes
  - a. construction of a second residential unit consisting of 552 square feet of new living space and 732 square feet of new garage space
  - b. maximum height is 35 feet from average natural grade.

**Conditions required to be completed at the time of application for construction permits**

***Site Development***

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

***Services***

4. **At the time of application for construction permits**, the applicant shall provide a letter from the Oceano Community Services District stating they are willing and able to service the property.

**Conditions to be completed prior to issuance of a construction permit**

***Fees***

5. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

***Curb, Gutter and Sidewalk***

6. **Prior to issuance of a construction permit**, the applicant shall demonstrate on all applicable plans provision of curb, gutter and sidewalks. Design, construction and timing of installation shall be consistent with Section 22.54.030 of the Land Use Ordinance.

***Drainage***

7. **Prior to issuance of construction permits**, the applicant shall submit a drainage plan for review and approval by the Public Works Department.

***Avigation Easement***

8. **Prior to issuance of construction permits**, the applicant shall grant/update an Avigation Easement to the County of San Luis Obispo via an avigation easement document prepared by the county. The avigation easement document shall be reviewed and approved by County Counsel prior to final approval.

**Conditions to be completed prior to occupancy or final building inspection /establishment of the use**

9. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from the Oceano Community Services District of all required fire/life safety measures.
10. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

**On-going conditions of approval (valid for the life of the project)**

11. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
12. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



7

RECEIVED  
AUG 27 2004  
COUNTY OF SAN LUIS OBISPO  
DEPT. OF PLANNING AND BUILDING

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

FROM

FROM:

8/26/04

PW

South Co. Team

(Please direct response to the above)

Chavez

DRC 2004-00044

Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

Dev. Plan/Site Plan in Oceano off  
22nd street, east of Hwy. 101.

Return this letter with your comments attached no later than:

9/10/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

RECOMMEND APPROVAL - CG #3W, NEED DRAINAGE PLAN AND CALC'S  
TO SIZE STORMWATER BASIN.

prior to 155000

17 SEP 2004  
Date

Goodwin  
Name

5252  
Phone



7

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 8/26/04  
TO: Oceano CSD  
FROM: South Co. Team  
(Please direct response to the above)

TO PHIL w/  
FILE

Chavez  
DRC 2004-00044  
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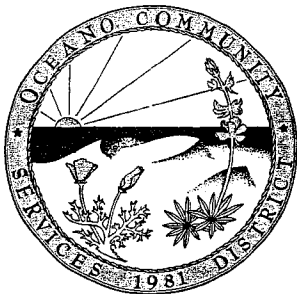
We recommend approval upon satisfactory completion of all requirements  
as stated in the OCSD will-serve letter.

not included  
? need anything by CSD so

Date 09/01/04 Name Philip T. Davis Phone (805) 481-6730  
Philip Davis

SEP 07 2004





# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730

FAX (805) 481-6836

August 9, 2004

I. Chavez  
1650 22<sup>nd</sup> Street  
Oceano CA 93445

**SUBJECT: APN 062-091-023; OCSD PROJECT # 1895; SLO CO PERMIT #B020806**  
**OWNER/PROJECT: CHAVEZ/SECOND SINGLE FAMILY RESIDENCE**

Dear Mr. Chavez:

Oceano Community Services District will serve the single-family residence proposed for APN 062-091-023 subject to the following conditions:

1. Obtain valid OCSD and SSLOCSD permits.
2. Show onsite water and sewer services and cleanouts on plot plan.
3. Offsite improvements for water, sewer, street lighting, and/or fire protection may be required and will be determined when engineered plans are submitted for District review.
4. Curbs, gutters and sidewalks are required.
5. A fire safety plan exception of content requirements letter has been issued.
6. If the District engineer is required to review the plans for any reason, a \$250/deposit will be required.
7. If District facilities (such as water and/or sewer lines) extend into or across the subject property, you will be required to prepare and submit appropriate easement documents and/or encroachment permits for acceptance by the District's Board of Directors and recording with the County Clerk-Recorder.

If any of the District facilities are required to be moved, raised, or in any way altered or changed because of required conditions of the District or any other agency having jurisdiction over the proposed development, the owner, developer, contractor, or agent responsible shall bring such facilities up to a minimum District standard of design and access.

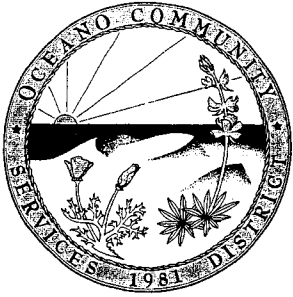
This will serve letter will expire August 9 2005 and is nontransferable. The District reserves the right to review service at the time permits are issued.

Yours truly,

OCEANO COMMUNITY SERVICES DISTRICT

Francis M. Cooney, General Manager  
FMC/PTD/jpm

Attachment



# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730

FAX (805) 481-6836

September 1, 2004

San Luis Obispo County  
Planning & Building Department  
Rm 317, County Government Center  
San Luis Obispo, CA 93408

Attention: Sue McKeown

**SUBJECT: FIRE SAFETY PLAN APN 062-091-023**

**OCSD PROJECT # 1895**

**OWNER/PROJECT: CHAVEZ/SECOND SINGLE FAMILY RESIDENCE**

Dear Ms. McKeown:

After reviewing information concerning the above building permit application, OCSD has determined that this project falls under the EXCEPTION OF CONTENT REQUIREMENT (Section 22.05.082, a (3)). As a result, the District will not require the builder to submit a fire safety plan.

If you have any questions, or require further information, please feel free to call.

Yours truly,

OCEANO COMMUNITY SERVICES DISTRICT

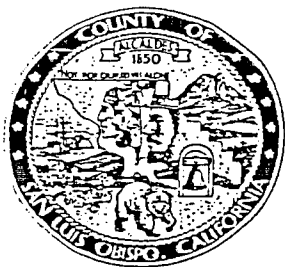
*Philip T. Davis*

Philip T. Davis, Utility Operations Supervisor  
For Francis M. Cooney, General Manager

FMC/PTD/jpm  
cc M. Dacey

RECEIVED  
SEP 02 2004  
Planning & Bldg

*DEC 2004-00044  
JML*



IMC  
7  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

RECEIVED  
AUG 23 2004

VICTOR HOLANDA, AICP  
DIRECTOR

Planning & Bldg

THIS IS A NEW PROJECT REFERRAL

DATE: 8/26/04

TO: OTAC

FROM: South Co. Team  
(Please direct response to the above)

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DRC 2004-00044  
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PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Applicant not appearing  
matter removed  
from agenda

12.30.4  
Date

[Signature]  
Name

461.6730  
Phone



[Five Copy]

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**NOTICE OF AIRPORT LAND USE COMMISSION ACTION**

ALUC 2004-020

HEARING DATE: OCTOBER 20, 2004

RECOMMENDATION TO: COUNTY OF SAN LUIS OBISPO

SUBJECT: ISIDRO CHAVEZ – DRC2004-00044

On October 20, 2004, the Airport Land Use Commission determined the above referenced project is **consistent** with the San Luis Obispo County Regional Airport Land Use Plan, and referred it back to the County of San Luis Obispo. Copies of the Airport Land Use Commission recommendations are attached.

If you have any questions regarding this matter, please contact me at (805) 781-5612.

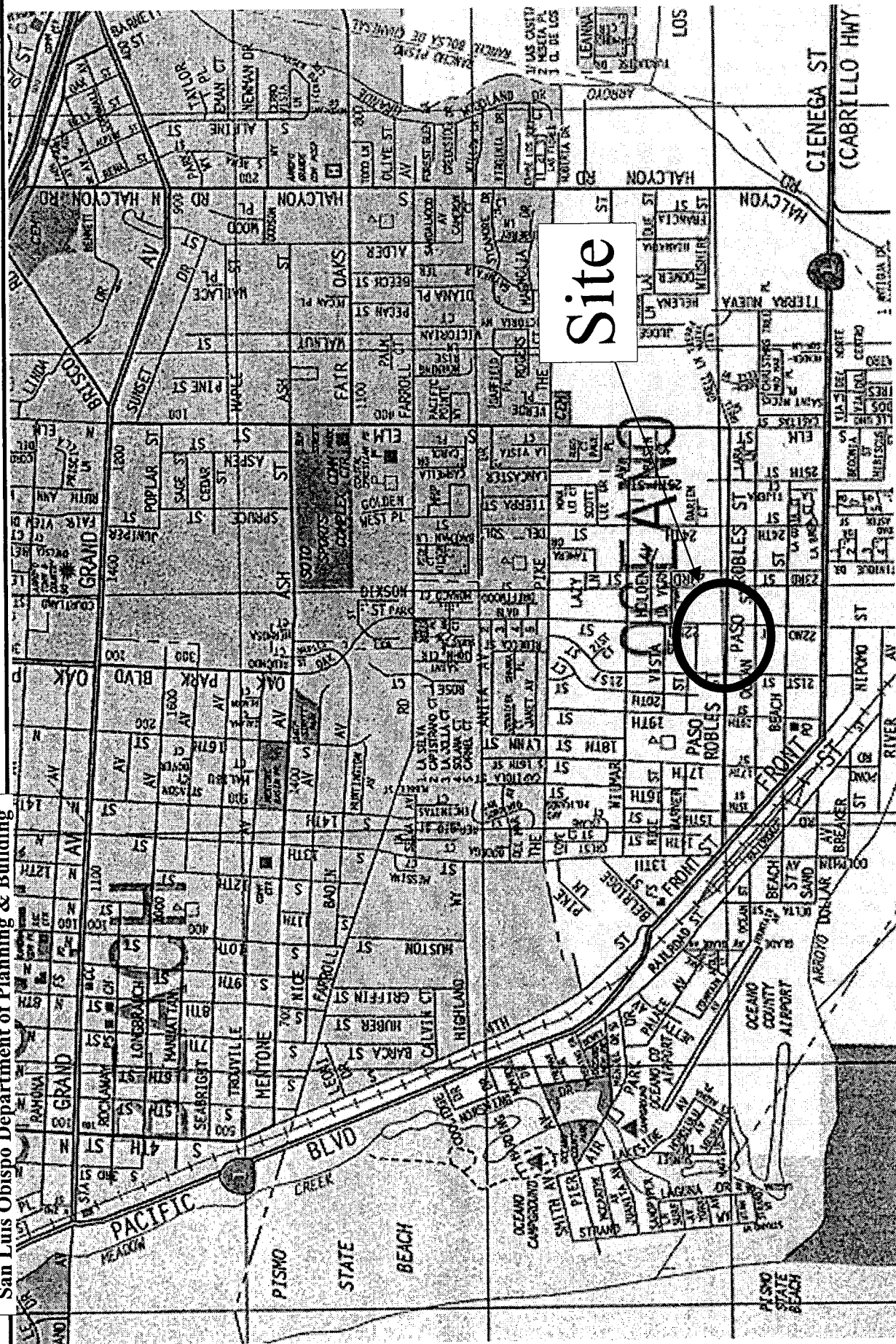
Sincerely,

Chris Macek, Secretary Pro Tem  
Airport Land Use Commission

(Planning Department Use Only)

Date NOFA Mailed November 1, 2004  
Mailed Hand-delivered

Enclosed:   X   Airport Land Use Commission Recommendations



Exhibit

# VICINITY MAP



Project Use Permit

Chavez Minor  
DRC 2004-00044

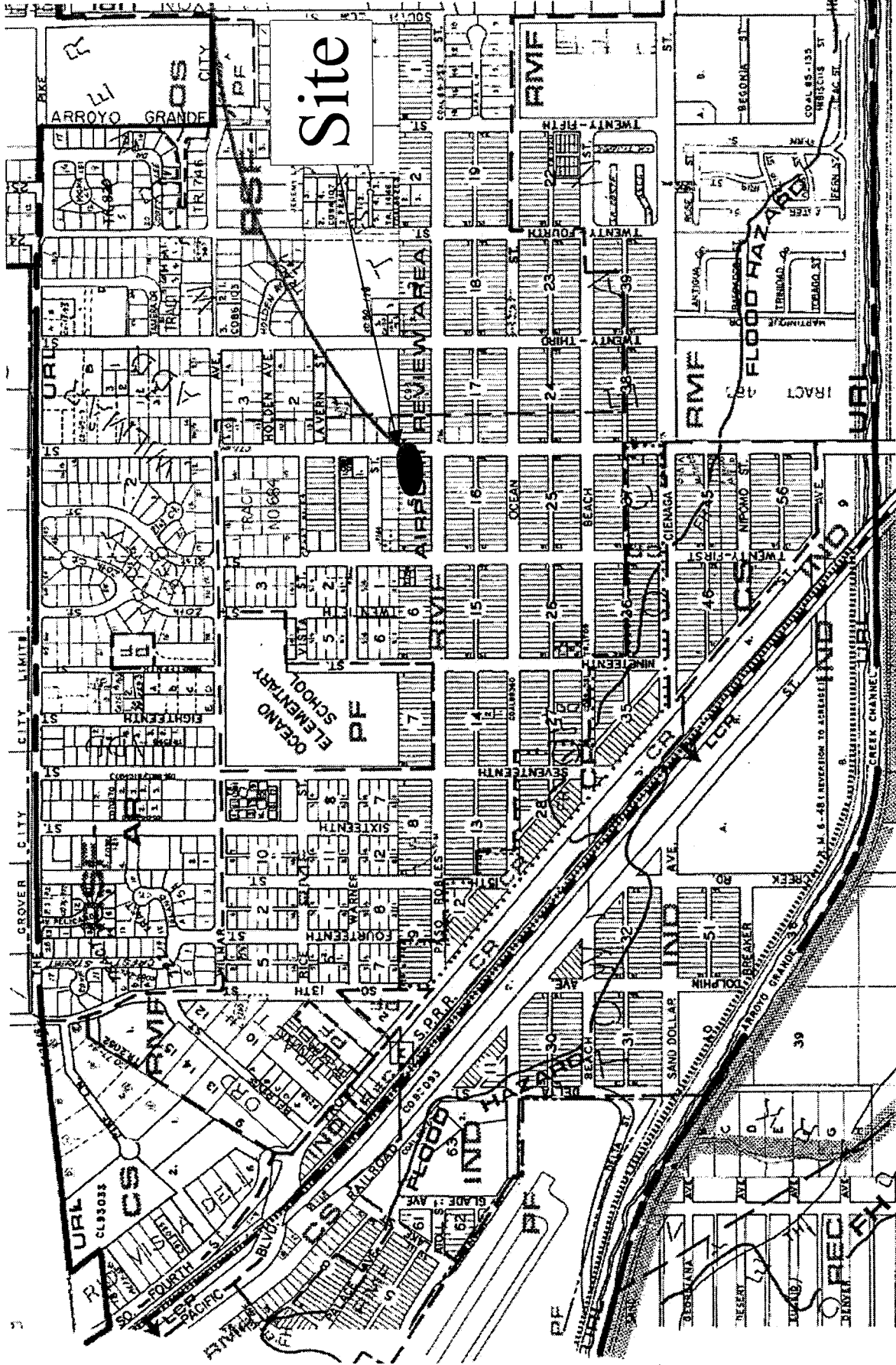
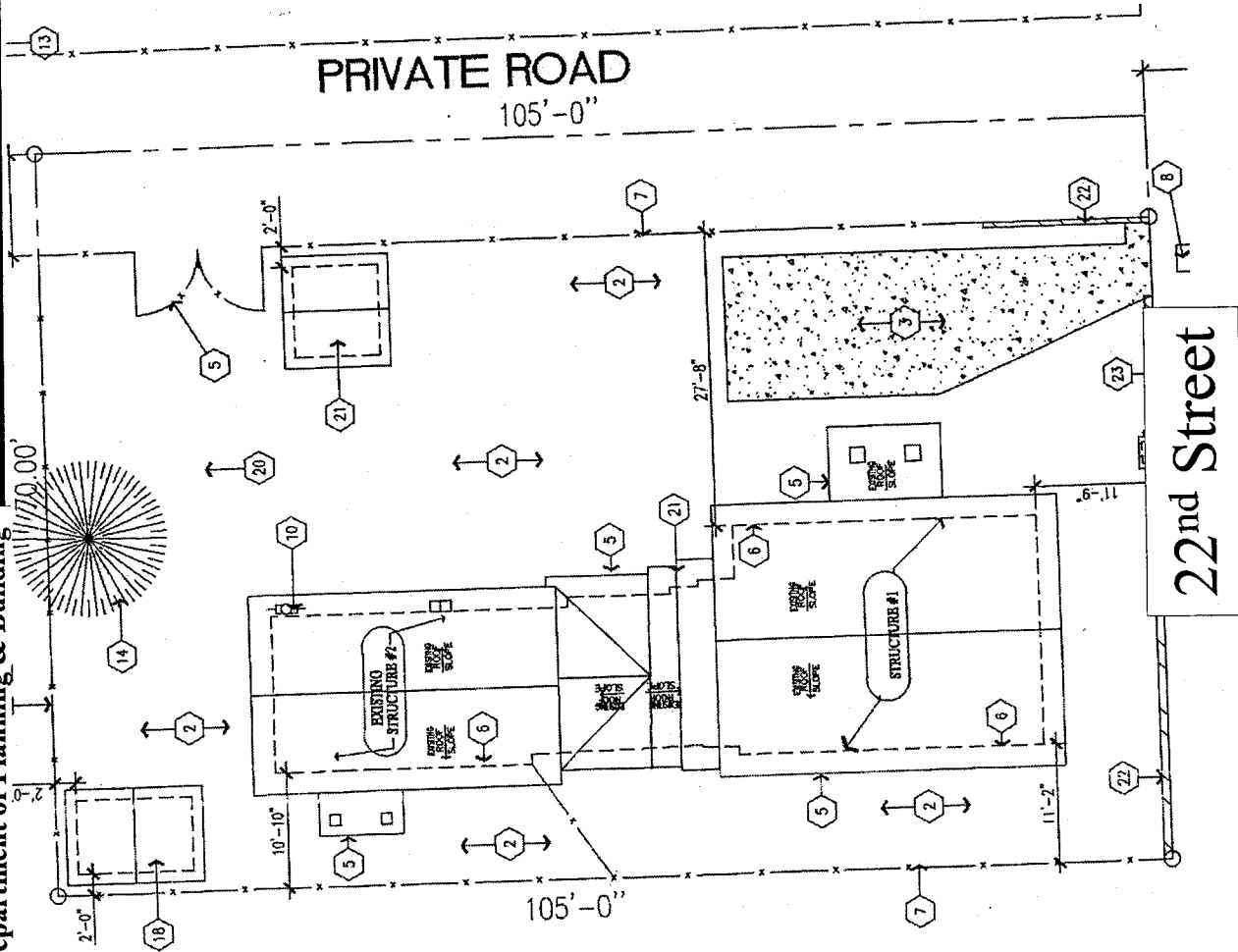


Exhibit  
Land Use Category Map

Project  
Chavez Minor Use Permit  
DRC 2004-00044



Exhibit

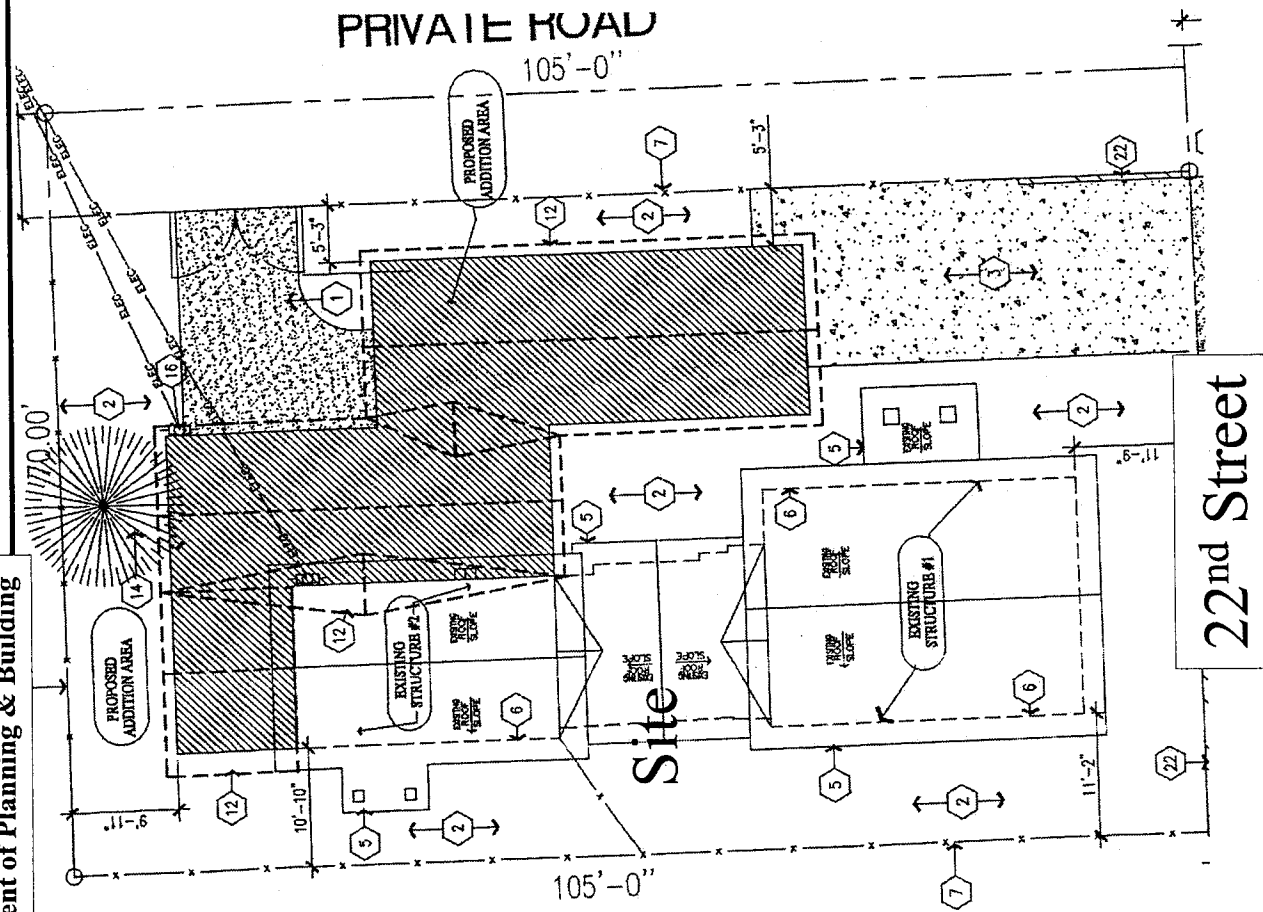
Existing Site Plan



22nd Street

Project Use Permit

Chavez Minor  
DRC 2004-00044



Exhibit

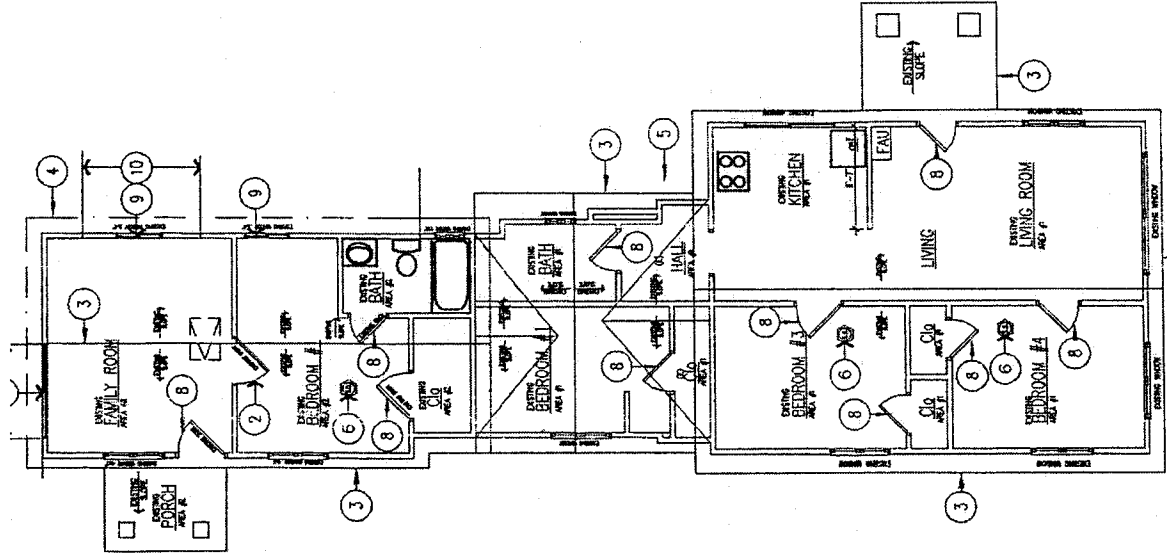
Existing Site Plan



Project Use Permit

Chavez Minor DRC 2004-00044



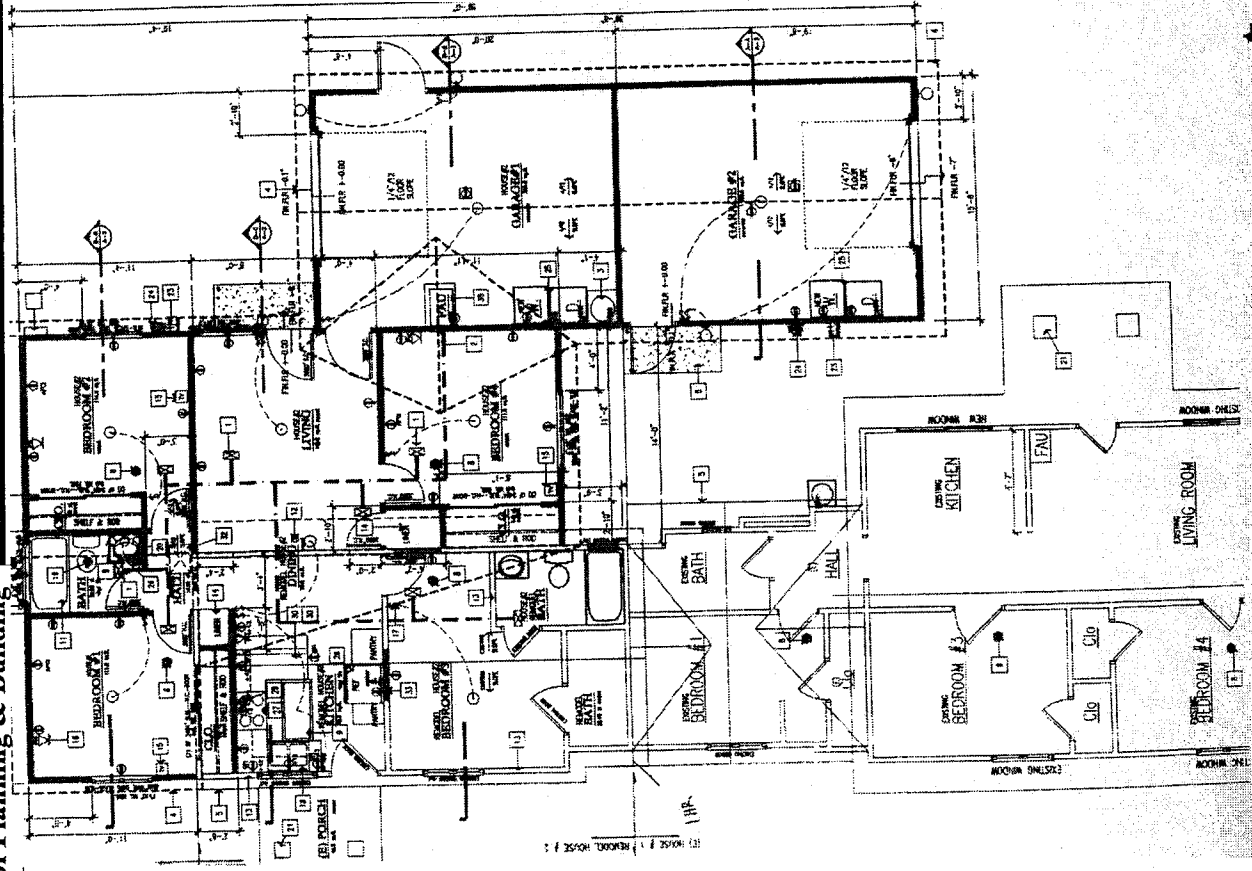


Site



Exhibit  
Existing Floor Plan

Project  
Chavez Minor Use Permit  
DRC 2004-00044



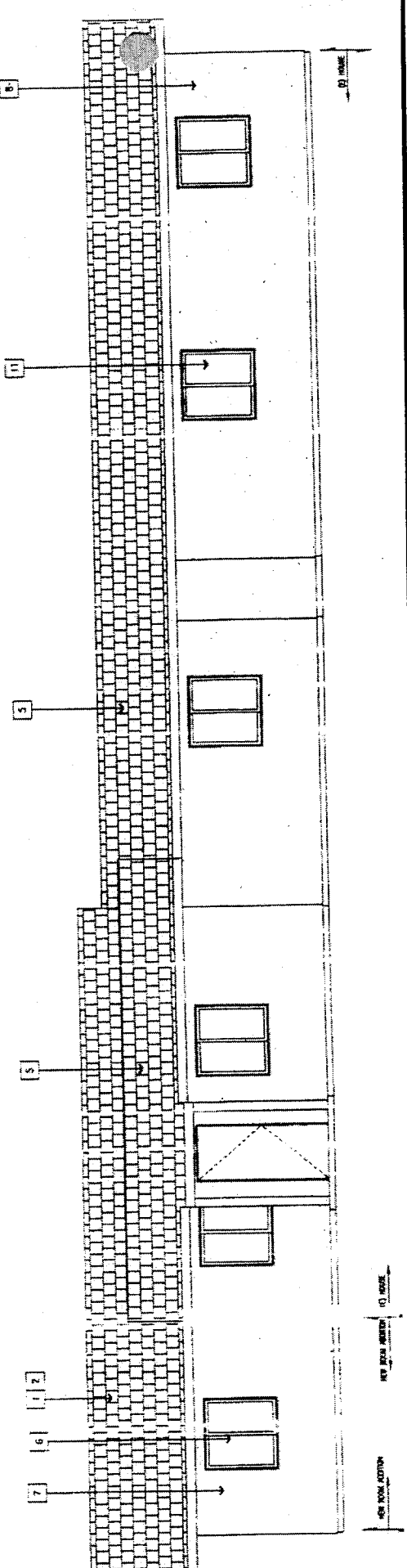
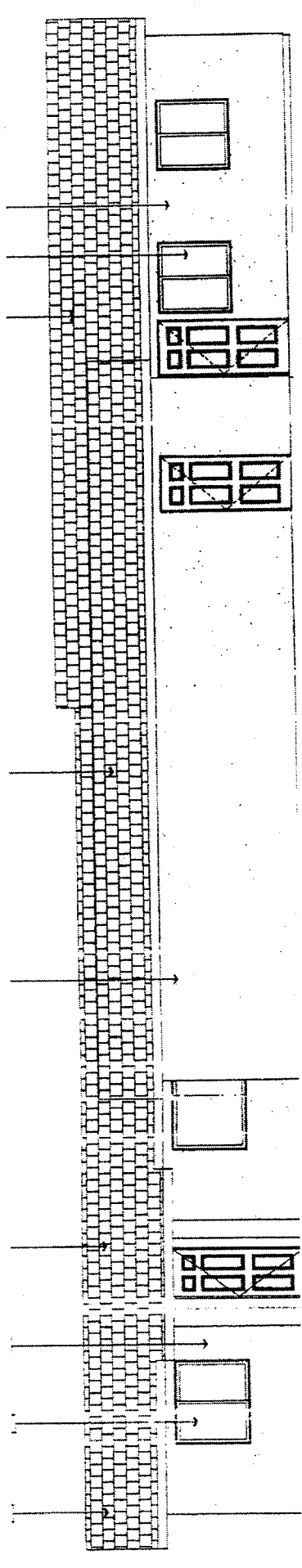
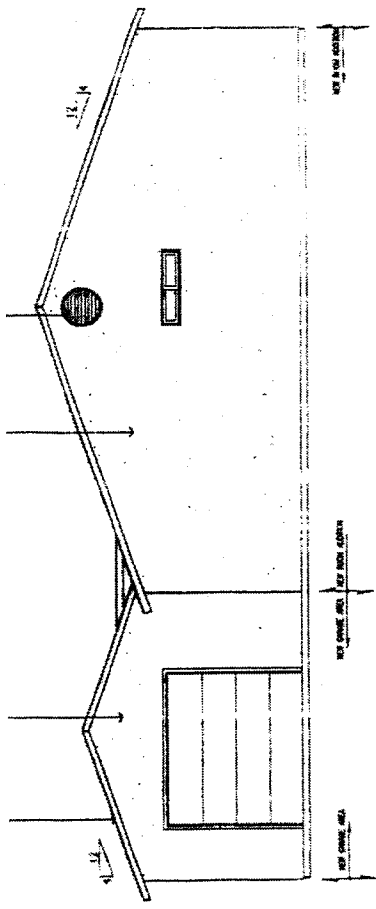
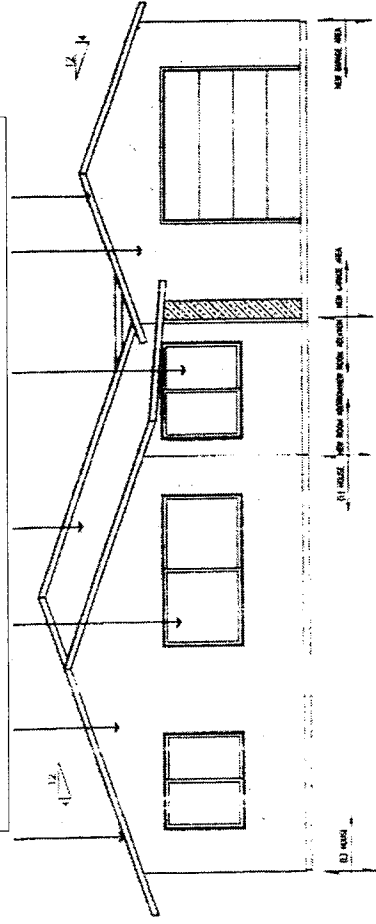
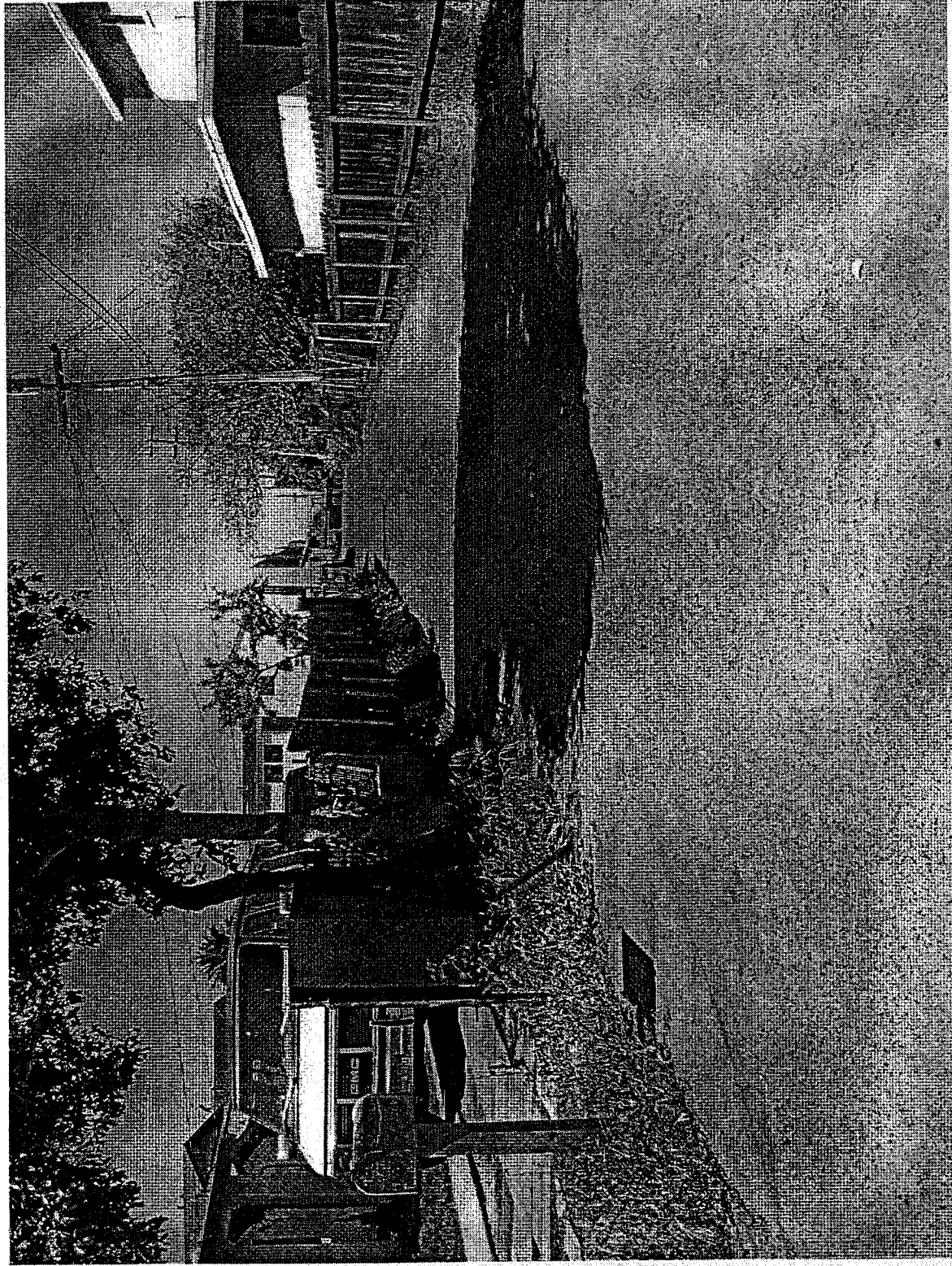


Exhibit  
Proposed Elevations



Project  
Chavez Minor Use Permit  
DRC 2004-00044



Project Use Permit  
Chavez Minor  
DRC 2004-00044



Exhibit  
Existing access road to the north of  
the project site